

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Jon Sonju, on March 18, 2011 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Jon Sonju, Chairman (R)
Sen. Art Wittich, Vice Chairman (R)
Sen. Shannon Augare (D)
Sen. Edward Buttrey (R)
Sen. Steven Gallus (D)
Sen. Lynda Moss (D)
Sen. Bruce Tutvedt (R)
Sen. Gene Vuckovich (D)

Members Excused:

Sen. Alan Olson (R)

Members Absent:

None

Staff Present:

Leanne Kurtz, Legislative Branch
Kirk Lundby, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 403, 3/16/2011
Executive Action: HB 212 Do Concur
HB 231 Table
HB 338 Do Concur
HB 403 Do Concur
HB 516 Do Concur As Amended
HB 538 Do Concur As Amended
HB 542 Do Concur As Amended
HB 575 Do Concur As Amended
Committee Bill Do Pass

HEARING FOR PROPOSED COMMITTEE BILL

Discussion:

00:00:52 Chairman Sonju
00:01:08 Harold Blattie, Executive Director, Montana Association of Counties (MACo)
EXHIBIT(los61a01)
00:05:50 Sen. Moss
00:06:04 Chairman Sonju
00:06:09 Sen. Moss
00:06:22 Harold Blattie (MACo)
00:06:58 Chairman Sonju
00:07:01 Vice Chair Wittich
00:07:27 Harold Blattie
00:07:58 Vice Chair Wittich
00:08:31 Harold Blattie
00:08:40 Vice Chair Wittich
00:09:02 Paul Christofferson, Administrator, Montana State Accounting Division (MSAD)
00:10:23 Chairman Sonju
00:10:41 Paul Christofferson, MSAD
00:10:44 Sen. Moss
00:11:19 Paul Christofferson
EXHIBIT(los61a02)
00:12:54 Chairman Sonju turned chair duties over to Vice Chair Wittich and left the committee room
00:12:58 Harold Blattie
00:13:32 Vice Chair Wittich
00:14:06 Harold Blattie
00:14:22 Vice Chair Wittich

HEARING ON HB 403

Opening Statement by Sponsor:

00:14:32 Rep. Gary MacLaren (R), HD 89, opened the hearing on HB 403, Revise cluster development law.

Proponents' Testimony:

EXHIBIT(los61a03)
Written testimony of William Murdock, Chairman, Gallatin County Commission presented to the committee
00:16:42 Glenn Marx, Executive Director, Montana Association of Land Trusts (MALT)
00:18:26 Chairman Sonju returned to the committee room
00:18:28 Vice Chair Wittich returned Chair Duties to Chairman Sonju
00:18:30 Sen. Moss left the committee room
00:20:28 Linda Stoll, representing Missoula County and the Montana Association of Planners (MAP)
00:20:42 Harold Blattie, MACo
00:21:49 John MacDonald, representing City of Missoula

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:22:12 Sen. Tutvedt
00:22:46 Rep. MacLaren
00:23:09 Sen. Tutvedt
00:23:50 Harold Blattie, MACo
00:25:15 Vice Chair Wittich
00:25:55 Glen Marx, MALT
00:27:00 Vice Chair Wittich
00:27:34 Glen Marx

Closing by Sponsor:

00:27:45 Rep. MacLaren

EXECUTIVE ACTION ON HB 403

00:29:21 **Motion:** Sen. Wittich moved that **HB 403 BE CONCURRED IN.**

Discussion:

00:29:32 Sen. Tutvedt

00:30:03 **Vote:** Motion carried 7-0 by voice vote of those present and voting. Sen. Tutvedt will carry the bill.

EXECUTIVE ACTION ON HB 212

00:30:54 **Motion:** Sen. Wittich moved that **HB 212 BE CONCURRED IN.**

Discussion:

00:31:16 Vice Chair Wittich

00:32:01 **Vote:** Motion carried 7-0 by voice vote of those present and voting. Sen. Vuckovich will carry the bill.

EXECUTIVE ACTION ON HB 231

00:33:26 **Motion:** Sen. Wittich moved that **HB 231 BE CONCURRED IN.**

00:33:48 **Substitute Motion/Vote:** Sen. Gallus made a substitute motion that **HB 231 BE TABLED**. Substitute Motion carried 6-3 by roll call vote with Sen. Buttrey, Sen. Tutvedt and Sen. Wittich voting no. Sen. Moss and Sen. Olson voted by proxy.

EXECUTIVE ACTION ON HB 338

00:35:34 **Motion:** Sen. Gallus moved that **HB 338 BE CONCURRED IN**.

Discussion:

00:35:52 Vice Chair Wittich

00:36:16 **Vote:** Motion carried 7-0 by voice vote of those present and voting. Sen. Wittich will carry the bill.

EXECUTIVE ACTION ON HB 538

00:37:35 **Motion:** Sen. Gallus moved that **HB 538 BE CONCURRED IN**.

00:37:43 **Motion/Vote:** Sen. Gallus moved that **HB 538 BE AMENDED**. Motion carried 7-0 by voice vote of those present and voting.

[**EXHIBIT**](#)(los61a04)

00:38:21 **Motion:** Sen. Gallus moved that **HB 538 BE CONCURRED IN AS AMENDED**.

Discussion:

00:38:31 Leanne Kurtz, Legislative Services Division (LSD)

00:39:01 **Vote:** Motion carried 7-0 by voice vote of those present and voting. Sen. Olson will carry the bill.

Discussion:

00:39:37 Sen. Gallus

EXECUTIVE ACTION ON HB 542

00:40:35 **Motion:** Sen. Tutvedt moved that **HB 542 BE CONCURRED IN**.

00:41:14 **Motion:** Sen. Tutvedt moved that **HB 542 BE AMENDED**.

[**EXHIBIT**](#)(los61a05)

Discussion:

00:41:26 Leanne Kurtz, LSD

00:42:17 Vice Chair Wittich

00:43:06 Sen. Tutvedt

00:43:48 **Vote:** Motion carried 7-0 by voice vote of those present and voting.

00:43:56 **Motion:** Sen. Tutvedt moved that **HB 542 BE CONCURRED IN AS AMENDED.**

Discussion:

00:44:07 Vice Chair Wittich
00:44:23 Leanne Kurtz, LSD
00:44:41 Vice Chair Wittich
00:46:41 Sen. Tutvedt

00:47:14 **Vote:** Motion carried 5-4 by roll call vote with Sen. Augare, Sen. Gallus, Sen. Moss and Sen. Vuckovich voting no. Sen. Moss and Sen. Olson voted by proxy. Sen. Tutvedt will carry the bill.

EXECUTIVE ACTION ON PROPOSED COMMITTEE BILL

00:55:13 **Motion:** Sen. Gallus moved to draft committee bill relating to enforcement of audit on local government units.

Discussion:

00:48:36 Sen. Jim Keane, SD 38
00:50:57 Sen. Tutvedt
00:51:13 Vice Chair Wittich
00:51:30 Sen. Keane
00:53:36 Vice Chair Wittich
00:53:42 Sen. Keane
00:53:50 Sen. Gallus
00:54:11 Chairman Sonju
00:54:34 Sen. Gallus

00:55:33 **Vote:** Motion carried 7-0 by voice vote of the present and voting. Sen. Gallus offered to carry the bill (if required)

Discussion:

00:55:47 Leanne Kurtz
00:56:14 Sen. Keane

EXECUTIVE ACTION ON HB 516

00:56:44 **Motion:** Sen. Wittich moved that **HB 516 BE CONCURRED IN.**

00:56:57 **Motion:** Sen. Wittich moved that **HB 516 BE AMENDED.**
[EXHIBIT\(los61a06\)](#)

Discussion:

00:57:27 Vice Chair Wittich

00:59:49 Sen. Buttrey
 01:00:37 Vice Chair Wittich
 01:01:44 Sen. Buttrey
 01:01:57 Vice Chair Wittich
 01:02:19 Sen. Tutvedt

01:02:52 **Vote:** Motion carried 7-0 by voice vote of those present and voting.

01:03:13 **Motion:** Sen. Wittich moved that **HB 516 BE CONCURRED IN AS AMENDED.**

Discussion:

01:03:32 Sen. Vuckovich
 01:05:07 Sen. Augare
 01:07:51 Sen. Gallus
 01:08:54 Sen. Tutvedt
 01:11:11 Sen. Gallus
 01:11:46 Vice Chair Wittich
 01:15:14 Sen. Vuckovich
 01:17:38 Vice Chair Wittich
 01:17:47 Sen. Vuckovich
 01:17:50 Vice Chair Wittich
 01:18:25 Sen. Augare
 01:20:38 Vice Chair Wittich

01:21:23 **Vote:** Motion carried 5-4 by roll call vote with Sen. Augare, Sen. Gallus, Sen. Moss and Sen. Vuckovich voting no. Sen. Moss and Sen. Olson voted by proxy. Sen. Wittich will carry the bill.

EXECUTIVE ACTION ON HB 575

01:22:35 **Motion:** Sen. Wittich moved that **HB 575 BE CONCURRED IN.**

01:22:54 **Motion:** Sen. Wittich moved that **HB 575 BE AMENDED.**
[**EXHIBIT\(los61a07\)**](#)

Discussion:

01:23:50 Vice Chair Wittich
 01:24:11 Sen. Gallus left the committee room

01:24:53 **Vote:** Motion carried 6-0 by voice vote of those present and voting.

01:25:00 **Motion:** Sen. Wittich moved that **HB 575 BE CONCURRED IN AS AMENDED.**

01:25:09 **Motion:** Sen. Wittich moved that **HB 575 BE AMENDED.**
[**EXHIBIT\(los61a08\)**](#)

Discussion:

01:26:01 Vice Chair Wittich
 01:26:10 Leanne Kurtz, LSD
 01:26:33 Vice Chair Wittich
 01:26:40 Leanne Kurtz
 01:26:50 Sen. Buttrey
 01:27:03 Vice Chair Wittich
 01:27:11 Leanne Kurtz
 01:27:22 Vice Chair Wittich

01:27:33 **Vote:** Motion carried 6-0 by voice vote of those present and voting.

01:27:51 **Motion:** Sen. Wittich moved that **HB 575 BE CONCURRED IN AS AMENDED.**

Discussion:

01:28:05 Vice Chair Wittich
 01:28:20 Sen. Sonju
 01:28:36 Vice Chair Wittich
 01:28:48 Leanne Kurtz, LSD
 01:29:06 Chairman Sonju
 01:29:31 Sen. Tutvedt

01:30:52 **Motion/Vote:** Sen. Tutvedt moved that **HB 575 BE AMENDED WITH A CONCEPTUAL AMENDMENT.** Motion carried 6-0 by of vote of those present and voting

EXHIBIT(los61a09)

01:31:09 **Motion/Vote:** Sen. Wittich moved that **HB 575 BE CONCURRED IN AS AMENDED.** Motion carried 6-0 by voice vote of those present and voting. Sen. Tutvedt will carry the bill.

Discussion:

01:32:11 Linda Stoll, MAP
 01:32:40 Sen. Augare left the committee room
 01:33:45 Sen. Tutvedt
 01:33:47 Leanne Kurtz
 01:34:02 Sen. Vuckovich
 01:34:15 Sen. Tutvedt
 01:34:46 Vice Chair Wittich
 01:35:11 Linda Stoll
 01:35:35 Sen. Tutvedt
 01:35:42 Harold Blattie, MACo
 01:36:53 Vice Chair Wittich
 01:37:28 Sen. Tutvedt
 01:37:31 Vice Chair Wittich
 01:37:58 Sen. Buttrey
 01:38:04 Sen. Tutvedt

01:38:10 Chairman Sonju

Additional Exhibits:

The following exhibits were received relating to HB 542 heard in committee on 3/14/2011

EXHIBIT(los61a10)

Letter dated 3/16/2011 from Linda Stoll, representing Montana Association of Planners

EXHIBIT(los61a11)

Letter dated 3/17/2011 from Dick Thweatt, Montana Smart Growth Coalition

EXHIBIT(los61a12)

Packet dated 3/18/2011 from Bob Lane, Department of Fish, Wildlife and Parks

ADJOURNMENT

Adjournment:
01:38:14

Kirk Lundby, Secretary

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Additional Documents:

EXHIBIT([los61aad.pdf](#))